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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,590	12/08/2003	Mark G. Chanya	GP-303055	2125

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EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT PAPER NUMBER

3676

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,590

Applicant(s)

CHANYA, MARK G.

Examiner

Gary Estremsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-19 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 8 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9, 10, 12-19, 21, 22, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,580,821 to Genord.

Genord '821 teaches Applicant's claim limitations including : a "handle housing" - including 54, "operatively supported by a door of the vehicle" - including door 14 as shown in Fig 1, a "door handle" - 56, "pivotally supported by said handle housing" - by 106, "to be flush with an exterior surface of the door" - as shown in Fig 1.

As regards claim 3, Genord '821 teaches a "spring" - 108.

As regards claim 4, Genord '821 teaches a "cam" - 130,134, "pivotally supported" at 132.

As regards claim 5, part 134 reads on "cam surface" and end of part 128 reads on "at least one follower surface cooperating with said cam surface".

Claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). The law of anticipation requires that a distinction be made between the invention described

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or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789.

As regards claim 6, either the pin at pivotal connection 132 or alternatively, long narrow member 102 read on limitation of "rod".

As regards claim 7, no particular structure is defined by recitation of "bale" to patentably distinguish from pin at 132 anticipating "rod" and part 102 anticipating "bale connected to said rod" where limitation of "supported by" is broad since it does not require direct contact or specify any particular structure or arrangement.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-19, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,907,833 to Ogasawara.

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Ogasawara '833 teaches Applicant's claim limitations including : a "handle housing" - including 1 as shown in Fig 3 for example, "operatively supported by a door of the vehicle" - as described, a "door handle" - 3, "pivotally supported by said handle housing" - at 2.

While the reference does not illustrate a vehicle door, it would have been obvious to one of ordinary skill in the art at the time of the invention to mount the handle to be at least substantially flush with an exterior surface of a door where the examiner takes Official Notice that it is well known in the art of vehicle door handles to mount vehicle door handles flush with an exterior surface and where one of ordinary skill in the art would recognize that the handle of Ogasawara '833 is inherently adapted (and apparently intended) for flush mounting on a vehicle door whereby one of ordinary skill in the art would have more than a reasonable expectation of success since the proposed modification would not require any functional modification of the disclosed handle device of Ogasawara '833.

As regards claim 3, Ogasawara '833 teaches a "spring" - 6.

As regards claim 4, Genord '821 teaches a "cam" - 5,5a, "pivotally supported" at 4.

As regards claim 5, part 5a reads on "cam surface" and 3a reads on "at least one follower surface cooperating with said cam surface".

As regards claim 6, the pin at pivotal connection 4 reads on limitation of "rod".

As regards claim 7, no particular structure is defined by recitation of "bale" to patentably distinguish from the housing's cross member to which 4 is

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mounted. Limitation of "supported by" is broad since it does not require direct contact or specify any particular structure or arrangement.

Allowable Subject Matter

5. Claims 8 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 4,588,219 to Kobayashi.

U.S. Pat. No. 4,653,143 to Ketelhut.


U.S. Pat. No. 6,141,914 to Feige.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Estremsky
Primary Examiner
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